

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL SOFTWARE  
ANTITRUST LITIGATION (NO. II)**

**Case No. 3:23-md-3071-WDC-BDH  
MDL 3071**

**This document relates to:  
ALL ACTIONS**

**Chief Judge Waverly D. Crenshaw, Jr.**

**Magistrate Judge Barbara D. Holmes**

**PLAINTIFFS GARY KEMPTON AND RYAN DANIEL’S OPPOSITION TO  
STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE FOR  
APPOINTMENT OF INTERIM LEAD COUNSEL PURSUANT TO FED.R.CIV.P. 23(g)**

Plaintiffs Gary Kempton and Ryan Daniel, having filed a Class Action Complaint on April 26, 2023, as a related matter to *In Re: RealPage, Inc., Rental Software Antitrust Litigation (No. II)*, respectfully oppose the Stipulation And [Proposed] Order Setting Briefing Schedule for Appointment Of Interim Lead Counsel Pursuant to Fed. R. Civ. P. 23 (g) (Doc. No. 25) (“the Stipulation”).

On April 19, 2023, the Court entered an Order setting forth a straightforward process by which parties could apply for lead and liaison counsel appointments. (Doc. No. 3). Specifically, the Court ordered that “[t]o the extent a group of parties wish to propose a person or persons, they may do so under seal with a short summary of the nominees’ qualifications in relation to the above factors.” *Id.* Plaintiffs Kempton and Daniel believe that the Court’s process will result in a more efficient process than the one proposed in the Stipulation. The Stipulation’s alternative approach contemplates multiple factions submitting competing motions, responses and replies, whereas the

Court's prescribed process wisely eliminates the acrimonious and unseemly back and forth jockeying that often accompanies such motion practice.

Finally, the Stipulation's expressed concern that filing applications under seal might somehow result in a lack of the public's understanding of "the basis for the Court's ultimate appointments" can easily be allayed by the Court's order detailing the reasoning for its decision and the ultimate unsealing of the applications post-adjudication of the Court's appointment (should the Court ultimately conclude that unsealing the applications serves the public interest).

For these reasons, Plaintiffs Kempton and Daniel respectfully oppose the alternative approach embodied in the Stipulation and request that the Court decline the invitation to reconsider its Order regarding the appointment of lead and liaison counsel.

DATED: April 27, 2023

BARRET JOHNSTON MARTIN  
& GARRISON, PLLC  
JERRY E. MARTIN (BPR # 20193)  
PAUL J. BRUNO (BPR # 17275)  
DAVID W. GARRISON (BPR # 24968)  
NICOLE A. CHANIN (BPR # 40239)

---

Jerry E. Martin  
JERRY E. MARTIN

414 Union Street, Suite 900  
Nashville, TN 37219  
Telephone: 615/244-2202  
615/252-3798 (fax)  
jmartin@barrettjohnston.com  
pbruno@barrettjohnston.com  
dgarrison@barrettjohnston.com  
nchanin@barrettjohnston.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
CHRISTOPHER M. WOOD  
HENRY S. BATOR  
414 Union Street, Suite 900  
Nashville, TN 37219  
Telephone: 615/244-2203  
615/252-3798 (fax)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
DARREN J. ROBBINS  
DAVID W. MITCHELL  
ASHLEY M. KELLY  
ARTHUR L. SHINGLER III  
655 West Broadway, Suite 1900  
San Diego, CA 92101-8498  
Telephone: 619/231-1058  
619/231-7423 (fax)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
AELISH M. BAIG  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
PAUL J. GELLER  
STUART A. DAVIDSON  
225 NE Mizner Boulevard, Suite 720  
Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)

ROBBINS GELLER RUDMAN  
& DOWD LLP  
CHAD JOHNSON  
DESIREE CUMMINGS  
420 Lexington Avenue, Suite 1832  
New York, NY 10170  
Telephone: 212/432-5100

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2023, a copy of the foregoing Opposition to Stipulation And [Proposed] Order Setting Briefing Schedule for Appointment Of Interim Lead Counsel Pursuant to Fed. R. Civ. P. 23 (g) was electronically filed with the Clerk of Court of the United States District Court for the Middle District of Tennessee, using the CM/ECF system, which will send a Notice of Electronic Filing to all parties of record.

/s/ Jerry E. Martin

Jerry E. Martin